

Robert E. Franz, Jr. OSB #730915

E-Mail: rfranz@franzlaw.comcastbiz.net

LAW OFFICE OF ROBERT E. FRANZ, JR.

P.O. Box 62

Springfield, OR 97477

Telephone: (541) 741-8220

Facsimile: (541) 741-8234

Of Attorneys for Defendants Will Stutesman,
Officer Grose, Officer Pieske, Sgt. McAlpine,
and the City of Eugene.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RONDA MCGOWAN, Personal
Representative for the Estate of Brian
Babb, **LEE BABB, CONNOR BABB**,
by and through his Guardian Ad Litem,
STEPHANIE WOODCOCK, and
KAYLEE BABB,

Case No. 6:17-cv-00424-TC

Declaration of
Joseph Kidd

Plaintiffs,

vs.

WILL STUTESMAN, OFFICER GROSE,
OFFICER PIESKE, SGT. MCALPINE,
CITY OF EUGENE, a municipal subdivision
of the State of Oregon, **JANE DOE CALL**
TAKER, and John and Jane Does 1-10.

Defendants.

I, Joseph Kidd, under penalty of perjury do hereby declare as follows:

I am over the age of 18, and I make this declaration based on my personal knowledge of the facts contained herein.

In listening to the live radio dispatch, Exhibit 103, at elapsed time 45:12, one can hear a voice say the following: "Shots fired. He is down at the front door." That voice is my voice and I am the one talking over the radio.

In listening to the live radio dispatch, Exhibit 103, at elapsed time 45:22, one can hear the following:

Sergeant McAlpine: "Was that a shot at us, Joe?"

Officer Kidd (me): "I don't know. I didn't fire. I couldn't see what he had in his hands."

I have labeled the voices to correctly identify the people making the statements, and I put the word "me" to identify that I was making the statement.

In listening to the live radio dispatch, Exhibit 103, at elapsed time 45:48, one can hear the following:

Officer Kidd (me): "Stutesman, could you see what he had in his hands?"

Officer Stutesman: "It was a long gun pointed at me"

I have labeled the voices to correctly identify the people making the statements, and I put the word "me" to identify that I was making the statement.

In listening to the live radio dispatch, Exhibit 103, at elapsed time 46:17, one can hear the following:

Sergeant Vinje: "Kidd, Vinje, did you see anything (inaudible)?"

Officer Kidd (me): "I couldn't see -- I saw he was holding something up. I couldn't see it. It was behind that 6-by-6 pillar."

I have labeled the voices to correctly identify the people making the statements, and I put the word "me" to identify that I was making the statement.

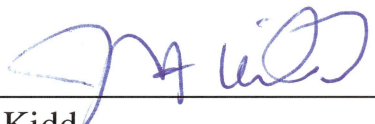
In listening to the live radio dispatch, Exhibit 103, at elapsed time 51:10, one can hear a voice say the following:

“Mary 12. Subject's still down in the doorway. No movement. There is a rifle in his right hand, and he is still not moving.”

That voice is not my voice, and I am not the one talking over the radio. That is the voice of Officer Pieske.

PURSUANT TO 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: December 5, 2018.



Joseph Kidd

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF JOSEPH KIDD on Plaintiffs on Tuesday, December 11, 2018, by notice of electronic filing using the CM/ECF System:

Mr. Timothy R. Volpert
Email: tim@timvolperlaw.com
Tim Volpert PC
610 SW Alder Street, Suite 415
Portland, OR 97205

Mr. Andrew M. Stroth
Email: astroth@actioninjurylawgroup.com
Action Injury Law Group, LLC
191 N. Wacker Drive, Suite 2300
Chicago, IL 60606

Attorneys for Plaintiffs

Dated: Tuesday, December 11, 2018.

/s/ Robert E. Franz, Jr.
LAW OFFICE OF ROBERT E. FRANZ, JR.
Robert E. Franz, Jr. OSB #730915
P.O. Box 62
Springfield, Oregon 97477
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Telephone: (541) 741-8220
Facsimile: (541) 741-8234
Attorneys for Defendants
Will Stutesman, Matthew Grose,
Nathan Pieske, Malcolm McAlpine,
and the City of Eugene